

## **Chapter 9.88**

### **EMPLOYMENT SOLICITATION**

(3382-9/98, 3451-1/2000, 3500-9/01, 3755-12/06)

#### **Sections:**

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**9.88.010 Purpose of Chapter.** The purpose of this chapter is to regulate the time, place and manner of the solicitation of and for employment on streets and highways, and nonresidential parking areas. These regulations are not intended to restrict the right of free speech or alternative channels of communications, but to ensure the protection of the public health, safety and general welfare. (3382-9/98, 3500-9/01)

#### **9.88.020 Definitions.**

- (a) "Employment" shall mean any offer or exchange or consideration for labor, industry or other personal services, including part-time or temporary services, for wages or other compensation. (3382-9/98)
- (b) "Nonresidential parking area" means all private property comprising the parking area adjoining nonresidential premises, including but not limited to driveways, setbacks and portions that are landscaped. (3382-9/98, 3755-12/06)
- (c) "Solicit or hire" means any request, offer, announcement, enticement or other action or gesture which induces another person to reasonably believe that his or her services are being sought or are being made available for hire, whether or not an actual employment relationship is created. (3382-9/98)

A solicitation as defined herein shall be deemed completed when made whether or not an actual employment relationship is created. (3382-9/98)

Solicitation shall also include solicitation for contributions of money or gifts. (3451-1/2000)

- (d) "Street or highway," for the purposes of this chapter only, means all of the area dedicated to public use for public vehicular street purposes and shall include, but not be limited to, roadways, medians, alleys, and other public vehicular rights-of-way, but shall not include sidewalks, parkways, or curbs. (3382-9/98, 3451-1/2000, 3500-9/01, 3755-12/06)
- (e) "Vehicle" means a vehicle as defined in *California Vehicle Code* §670 as the same now reads or may hereafter be amended. (3382-9/98)

#### **9.88.030 Solicitation of and for Employment on Street or Highway Prohibited.**

- (a) It shall be unlawful for any person, while standing in any portion of the streets or highways, as defined within this chapter only, to solicit, or attempt to solicit, from any person travelling in a vehicle along a public right-of-way, including, but not limited to public streets, highways or driveways. (3451-1/2000, 3500-9/01, 3755-12/06)
- (b) It shall be unlawful for any person, while the occupant of any vehicle, to solicit, or attempt to solicit, from a person who is in the public streets or highways, as defined within this chapter only. (3451-1/2000, 3500-9/01, 3755-12/06)

#### **9.88.040 Solicitation Prohibited in Nonresidential Parking Areas.**

- (a) It is unlawful for persons to solicit or offer employment in any nonresidential parking area. (3382-9/98, 3500-9/01, 3755-12/06)
- (b) This section shall not be operative unless the owner, the owner's agent or the person in lawful possession of the nonresidential parking area has caused a notice to be posted in a conspicuous place at each entrance to such nonresidential parking area not less than eighteen by twenty-four inches in size with lettering not less than one inch in height and not to exceed in total area six square feet. The content of such notice shall be in substantially the following form, in both the English and Spanish languages: (3382-9/98, 3500-9/01, 3755-12/06)

<p>It is a misdemeanor to engage in the solicitation of and for employment in this nonresidential parking area. (H.B.M.C. §9.88.040)</p>
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**9.88.050 Validity.** If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council of the City of Huntington Beach hereby declares that it would have adopted this ordinance and these sections, subsections, sentences, clauses, phrases or portions thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions are declared invalid or unconstitutional. (3382-9/98)

**9.88.060 Enforcement.** Enforcement of this section may be accomplished by:

- (a) the owner, the owner's agent, or the person in lawful possession of the business premises, under the provisions of *California Penal Code* §847 (Arrest by Private Person); or (3382-9/98)
- (b) a peace officer of the Huntington Beach Police Department; or (3382-9/98)
- (c) a code enforcement officer of the City of Huntington Beach; or (3382-9/98)
- (d) the filing of a criminal or civil complaint by the City Attorney. (3382-9/98)